

STATE OF INDIANA)
) SS:
COUNTY OF MARION)

IN THE MARION CIRCUIT COURT

AVC NO. 05-009

IN RE: TOP CHOICE, INC.,)

Respondent.)

FILED

32

MAR 08 2005

Donna Ann Schaller
CLERK OF THE
MARION CIRCUIT COURT

ASSURANCE OF VOLUNTARY COMPLIANCE

The State of Indiana, by Attorney General Steve Carter and Deputy Attorney General David A. Paetzmann, and the Respondent, Top Choice, Inc., enter into an Assurance of Voluntary Compliance (Assurance), pursuant to Indiana Code §24-5-0.5-7.

Any violation of the terms of this Assurance, as determined by a court of competent jurisdiction, constitutes *prima facie* evidence of a deceptive act. This Assurance is entered into without any adjudication of any issue of fact or law, and upon consent of the parties. The execution of this Assurance does not constitute admission of a deceptive act.

The parties agree:

1. Respondent is a foreign corporation engaged in mail order sales with a principal place of business at 2525 N. Decatur Blvd., #3, Las Vegas, Nevada.
2. The terms of this Assurance apply to and are binding upon Respondent, its employees, agents, representatives, successors, and assigns.
3. Respondent acknowledges the jurisdiction of the Consumer Protection Division of the Office of the Attorney General to investigate matters hereinafter described, pursuant to the authority of Ind. Code §4-6-9-4 and Ind. Code §24-5-0.5-1 et seq.

4. As part of its marketing practices, Respondent has engaged in direct mail solicitations and has, directly or indirectly, distributed such mailings to Indiana residents.

5. Respondent agrees, pursuant to Ind. Code §24-8-3-2, that each written promotional notice, distributed by or on behalf of Respondent advising the recipient that he or she has won a prize (hereinafter "notice"), shall contain the complete and correct business name and address of the promoter and the sponsor.

6. Respondent agrees, pursuant to Ind. Code § 24-8-3-4(b), to include a statement of odds in each notice stating, for each prize, the total number of prizes to be given away and the total number of notices distributed.

7. Respondent agrees, pursuant to Ind. Code § 24-8-3-8, to disclose any limitation on eligibility in the notice in at least 10 point boldface type.

8. Respondent shall not represent that a consumer transaction has characteristics or benefits it does not have, which Respondent knows or reasonably should know it does not have.

9. Upon execution of this Assurance, Respondent shall pay the amount of five hundred dollars (\$500.00) to William Biddle of Attica, Indiana, through the Office of the Attorney General, pursuant to Ind. Code § 24-8-6-2.

10. Upon execution of this Assurance, Respondent shall pay the amount of five hundred dollars (\$500.00) to Dorothy Kimes of Auburn, Indiana, through the Office of the Indiana Attorney General, pursuant to Ind. Code § 24-8-6-2.

11. Upon execution of this Assurance, Respondent shall pay costs in the amount of Five Hundred Dollars (\$500.00) to the Office of the Attorney General.

12. Respondent shall not represent that the Office of the Attorney General approves or endorses Respondent's past or future business practices, or that execution of this Assurance constitutes such approval or endorsement.

13. Respondent shall fully cooperate, through counsel, with the Office of the Attorney General in the resolution of any future written complaints the Consumer Protection Division receives.

14. The Office of the Attorney General shall file this Assurance with the Circuit Court of Marion County. The Court's approval of this Assurance shall not act as a bar to any private right of action.

DATED this 7th day of MARCH, 2005.

STATE OF INDIANA

RESPONDENT

STEVE CARTER
Attorney General of Indiana

TOP CHOICE, INC.

By: 

David A. Paetzmann
Deputy Attorney General
Atty. No. 6392-23

By: 

Crystal Ewing, president

Office of Attorney General
Indiana Government Center South, 5th fl.
402 W. Washington Street
Indianapolis, Indiana 46204
Telephone: (317) 232-3442

APPROVED this _____ day of MAR 08 2005, 2005.



Judge, Marion Circuit Court